

One Minute Memo®



Connecticut Clarifies Paid Sick Leave Law - Changes on the Way

By Joshua D. Seidman

Earlier this month Governor Dannel P. Malloy signed into law Connecticut Public Act No. 14-128 (“Act”), a bill that provides several significant amendments to Connecticut’s Paid Sick Leave Law. The Act, which was officially signed on June 6, 2014 and is scheduled to become effective on January 1, 2015, provides what many employers consider to be necessary updates to the country’s only state-wide paid sick leave law. For more details regarding Connecticut’s Paid Sick Leave Law, which went into effect on January 1, 2012, please see our previous [blog post](#).

One of the Act’s major changes affects the process for determining if an employer is exempt from providing paid sick leave to its employees. Currently, the Connecticut law states that if an employer has 50 or more employees in any one quarter in the previous year, the employer must provide the requisite paid sick leave to covered employees¹ during the subsequent year. Additionally, the Connecticut Department of Labor (“DOL”) presently determines if an employer actually has 50 or more employees by reviewing the wage information—specifically the employer’s Quarterly Earnings Report—that the employer submits to the DOL. However in light of the amendment, on January 1, 2015 the DOL will decide if an employer crosses the 50 employee threshold based on the number of employees the employer has on its payroll for the week containing October 1, annually.

This change will greatly assist employers whose businesses are driven by seasonal, migrant, or temporary employees avoid the 50 employee threshold. Yet, it is important for employers to be aware that the amendment contains a built-in provision directly aimed at preventing employers from “gaming the system.” In particular, the amendment prohibits employers from terminating, dismissing or otherwise transferring employees from one worksite to another prior to the October 1 deadline.

Another noteworthy amendment impacts the timeframe for accruing paid sick leave. The current law notes that employees accrue the paid sick time at a rate of one hour for every 40 hours worked during the calendar year. However, the Act states that employees will now accrue one hour of paid sick leave for every 40 hours worked during whatever 365-day period the employer uses to calculate employee benefits. Thus under the amendment, employers have the flexibility to begin computing employee benefits, including paid sick leave amounts, on any date, rather than only on January 1.

Lastly, the original law defines service workers as those employees who are either paid on an hourly basis or non-exempt under the Fair Labor Standards Act, and who fall within one of the job categories listed in the statute (the list of “service

workers” covered by the original statute can be found in Section 31-57r(7) as posted on the [DOL’s website](#). The Act adds an extra category of worker to the list of “service workers” laid out in the statute. Starting on January 1, 2015, the list of service workers will also cover radiologic technologists.

A copy of the [Act](#) is available online.

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¹ The Connecticut Paid Sick Leave Law defines covered employees as “service workers.”

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